

## I. AMENDMENT

Please make the following amendments:

### In the Claims:

Please cancel claims 20, 22-23, 25, 29 and 32 without prejudice or disclaimer.

Please amend claims 6, 8-10, 17-18, 27 and 30-31 as follows:

a1 6. (Amended) The corn plant of claim 2, wherein said plant is further defined as comprising a gene conferring male sterility.

a2 8. (Amended) The tissue culture according to claim 7, the cells or protoplasts of the tissue culture having been isolated from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

9. (Amended) A corn plant regenerated from the tissue culture of claim 7, wherein the regenerated plant expresses all the morphological and physiological characteristics of inbred line LH246.

10. (Amended) A corn plant with all of the physiological and morphological characteristics of corn inbred LH246, wherein said corn plant is produced by a tissue culture process using the corn plant of claim 5 as the starting material for said process.

17. (Amended) A method for producing inbred LH246 seed, representative seed of which have been deposited under ATCC Accession No. \_\_\_\_\_, comprising:

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- a) planting a collection of seed comprising seed of a hybrid, one of whose parents is inbred LH246, said collection also comprising seed of said inbred;
  - b) growing plants from said collection of seed;
  - c) identifying inbred parent plants;
  - d) controlling pollination in a manner which preserves the homozygosity of said inbred parent plant; and
  - e) harvesting the resultant seed.

18. (Amended) The process of claim 17 wherein step (c) further comprises identifying plants with decreased vigor.

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27. (Amended) A method for producing a corn plant that contains in its genetic material one or more transgenes, comprising crossing the corn plant of claim 26 with either a second plant of another corn line, or a non-transformed corn plant of the line LH246, wherein progeny are produced, so that the genetic material of the progeny that result from the cross contains the transgene(s) operably linked to a regulatory element.
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30. (Amended) A method for developing a corn plant in a corn plant breeding program using plant breeding techniques comprising employing a corn plant, or its parts, as a source of plant breeding material comprising: using the corn plant, or its parts, of claim 2 as a source of said breeding material.
31. (Amended) The method for developing a corn plant in a corn plant breeding program of claim 30 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

## II. RESPONSE TO OFFICE ACTION

### A. Status of the Claims

Claims 1-32 were filed with the original application. Claims 20, 22-23, 25, 29 and 32 have been canceled without prejudice or disclaimer. Claims 6, 8-10, 17-18, 27 and 30-31 have been amended herein. A marked copy of the amendments is provided in **Appendix A**. A clean copy of the pending claims following entry of the amendments is provided in **Appendix B**. In view of the amendments, the objections cited in the Action are now moot. Claims 1-19, 21, 24, 26-28 and 30-31 are now pending and presented for reconsideration.

### B. Objection to the Specification

The specification has been objected to based on the lack of information regarding the deposit of seed of inbred LH246. In response, Applicants note that the specification will be